

20093. Adulteration of currants. U.S. v. 14 Crates of Currants. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28617. Sample No. 5226-A.)

This action involved the shipment of a quantity of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 19, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 14 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 14, 1932, by W. H. Wark, from South Haven, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20094. Adulteration of currants. U.S. v. 8 Crates, et al., of Currants. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 28618, 28619. Sample Nos. 5244-A, 5245-A.)

These actions involved shipments of quantities of currants, samples of which were found to bear arsenic and lead in amounts that might have rendered the article injurious to health.

On July 22, 1932, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 11 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 14, 1932, by A. D. Baldwin, from Bridgman, Mich., to Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts that might have rendered the article injurious to health.

On September 26, 1932, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20095. Misbranding of canned sauerkraut juice and canned sauerkraut. U.S. v. 50 Cases of Canned Sauerkraut Juice, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 28562, 28567. Sample Nos. 2119-A, 2120-A.)

These actions involved the shipment of quantities of canned sauerkraut juice and canned sauerkraut. Sample cans taken from both products were found to contain less than the declared weight or volume.

On August 8, 1932, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 50 cases of canned sauerkraut juice and 290 cases of canned sauerkraut, remaining in the original unbroken packages at Denver, Colo., consigned by Frank Pure Food Co., Franksville, Wis., alleging that the articles had been shipped in interstate commerce, the former on or about April 12, 1932, and the latter on or about June 24, 1932, from Franksville, Wis., to Denver, Colo., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Cans) "Frank's Netherlands Brand Kraut Juice. Packed by the Frank Pure Food Co., Franksville, Wisconsin. Contents One Pint;" "Red & White Brand Sauerkraut, Net Weight 1 Lb. 1 Oz."

It was alleged in the libels that the articles were misbranded in that the statements, "Net Weight 1 Lb. 1 Oz." and "Contents One Pint," appearing on the can labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the products were in package form and the quantity of the contents was not plainly and

conspicuously marked on the outside of the packages, since the quantities stated were incorrect.

On September 17, 1932, Brown Bros. Brokerage Co., a Colorado corporation, having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of bonds totaling \$1,225, conditioned in part that they be relabeled under the supervision of this Department and should not be sold or disposed of contrary to the provisions of the Food and Drugs Act or the laws of the State of Colorado.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20096. Adulteration of dried figs. U.S. v. 70 Cases of Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 28636. Sample No. 1680-A.)

This action involved the interstate shipment of a quantity of dried figs, samples of which were found to be moldy, smutty, decomposed, and insect-infested.

On August 10, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 70 cases of dried figs, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped on or about July 15, 1932, by Vagim Packing Co., from Oakland, Calif., to Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Choice Black Mission Figs Vagim Packing Co. Fresno, Calif."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 29, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20097. Misbranding of canned peach butter. U.S. v. 100 Cases of Canned Peach Butter. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 28640. Sample No. 1668-A.)

This action involved the interstate shipment of a quantity of canned peach butter, sample cans of which were found to contain less than the declared weight.

On August 11, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 100 cases of canned peach butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped in interstate commerce, on or about July 14, 1932, by the Pacific Cannery Sales Co., from San Francisco, Calif., to Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Can) "Golden Elk Brand Peach Butter * * * Net Contents 7 Lbs. 10 Oz. Pacific Coast Cannery, Inc., Oakland, Calif."

Misbranding of the article was alleged in the libel for the reason that the statement on the label, "Net Contents 7 Lbs. 10 Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On August 29, 1932, the Lewis Sales Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this Department and that it should not be sold or otherwise disposed of contrary to the provisions of the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*